

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Deborah Garrick,

Plaintiff,

v.

Lloyd J. Austin, III, *Secretary U.S.
Department of Defense*,

Defendant.

C/A No. 3:22-cv-2332-SAL

ORDER

Plaintiff Deborah Garrick, a pro se litigant, filed this civil rights action seeking relief pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* Defendant filed a motion to dismiss. [ECF No. 83.] This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending Defendants motion to dismiss be granted and that this action be dismissed with prejudice for lack of prosecution. [ECF No. 87.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. *Id.* at 3. Plaintiff has not filed objections, and the time for doing so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 87, and incorporates it by reference herein. As a result, Defendant’s motion to dismiss, ECF No. 83, is **GRANTED**, and this matter is **DISMISSED with prejudice** for lack of prosecution and for failure to comply with an order of the court.

IT IS SO ORDERED.

May 23, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge